

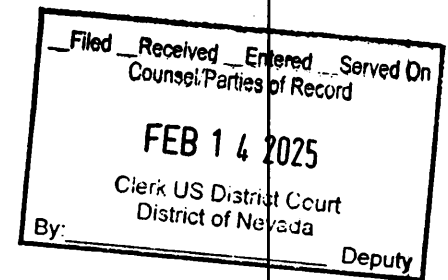
3:25-cv-00090

1 **IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA**

2 **Plaintiff:** Drew J. Ribar

3 **Defendants:** State of Nevada, Nevada Legislative Counsel Bureau, et al.

4 **Case No.:**



5 **PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

6 **INTRODUCTION**

7
8 Plaintiff, Drew J. Ribar, moves for a **preliminary injunction** pursuant to **Rule 65(a) of the**
9 **Federal Rules of Civil Procedure**, prohibiting Defendants from enforcing Nevada's **Lobbying**
10 **Act (NRS 218H)** in a manner that bars him from simultaneously registering as a **media member**
11 **and a lobbyist**.
12
13

14 **LEGAL STANDARD**

15 A preliminary injunction is warranted where:

- 16
17 1. Plaintiff is **likely to succeed on the merits** (*Winter v. NRDC*, 555 U.S. 7, 20 (2008)).
18 2. Plaintiff will suffer **irreparable harm** without relief.
19 3. The **balance of equities** favors Plaintiff.
20 4. An injunction serves the **public interest**.
21
22

23 **ARGUMENT**

24 1. **Likelihood of Success on the Merits**

- 25
26 ○ The **First Amendment** protects both **press freedoms** and the **right to petition**
27 (*McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334 (1995)).
28

PLEADING TITLE - I

- Defendants' policy **improperly forces individuals to choose between two fundamental rights** (*Citizens United v. FEC*, 558 U.S. 310 (2010)).
- Under *New York State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111 (2022), the state must **demonstrate a historical tradition of restricting dual press-lobbying roles**, which it cannot.

2. Irreparable Harm

- Denial of **press credentials** prevents Plaintiff from **covering legislative sessions**.
- Plaintiff's **lobbying efforts are hindered**, silencing his speech.

3. Balance of Equities

- Nevada faces **no harm** if Plaintiff registers as both a journalist and a lobbyist.

4. Public Interest

- **Greater government transparency** benefits the public (*Garrison v. Louisiana*, 379 U.S. 64 (1964)).

CONCLUSION

For the foregoing reasons, the Court should issue a **preliminary injunction** allowing Plaintiff to register as both **media and lobbyist** pending final judgment.

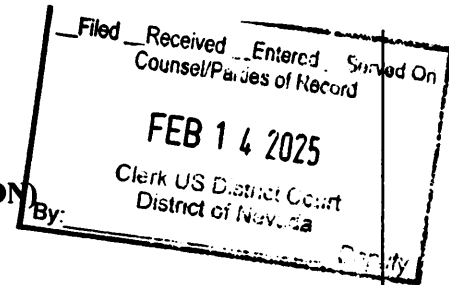
/S/Drew J. Ribar

Dated: **February 14, 2025**

Respectfully submitted,

DREW J. RIBAR, PRO SE

3:25-cv-00090



1 **IN THE UNITED STATES DISTRICT COURT**

2
3 **FOR THE DISTRICT OF NEVADA (NORTHERN DIVISION)**

4
5 **DREW J. RIBAR,**

6 **Plaintiff,**

7 **v.**

8 **STATE OF NEVADA;**

9 **NEVADA LEGISLATIVE COUNSEL BUREAU;**

10 **KEVIN C. POWERS, in his official and individual capacity;**

11 **LOBBYIST REGISTRAR, in their official and individual capacity;**

12 **DOE DEFENDANTS 1-10,**

13 **Defendants.**

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15
16 **Case No.:**

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20 **PLAINTIFF'S MEMORANDUM IN SUPPORT OF MOTION FOR**

21 **PRELIMINARY INJUNCTION**

22
23 **INTRODUCTION**

24
25 **Plaintiff Drew J. Ribar respectfully submits this memorandum in support of his Motion for**

26 **Preliminary Injunction to prohibit Defendants from enforcing Nevada Revised Statutes**

27
28 **PLEADING TITLE - I**

1 (NRS) Chapter 218H in a manner that prevents him from simultaneously registering as both a
2 **credentialed member of the press and an unpaid lobbyist.**

3
4 This restriction violates Plaintiff's **First and Fourteenth Amendment rights under the U.S.**
5 **Constitution and Article 1, Sections 9 & 10 of the Nevada Constitution.** Defendants have
6 provided **no historical basis** for restricting individuals from engaging in both press and
7 petitioning activities, rendering the restriction **unconstitutional under New York State Rifle &**
8 **Pistol Ass'n v. Bruen, 142 S. Ct. 2111 (2022).**

9
10 Plaintiff is **likely to succeed on the merits**, faces **irreparable harm**, and the balance of equities
11 and public interest strongly favor granting the injunction.
12
13

14
15 **LEGAL STANDARD**

16
17 A **preliminary injunction** is warranted when the Plaintiff demonstrates:
18

- 19 1. A **likelihood of success on the merits**;
20 2. That he is **likely to suffer irreparable harm** in the absence of preliminary relief;
21 3. That the **balance of equities** tips in his favor; and
22 4. That an **injunction is in the public interest.**
23

24
25 (*Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Stormans, Inc. v. Selecky*, 586
26 F.3d 1109, 1127 (9th Cir. 2009).).

1 In **First Amendment** cases, the likelihood of success **alone may justify** a preliminary injunction
2 due to the **irreparable nature of constitutional violations** (*Elrod v. Burns*, 427 U.S. 347, 373
3 (1976)).
4

5 6 7 **ARGUMENT**

8 9 **I. PLAINTIFF IS LIKELY TO SUCCEED ON THE MERITS**

10 11 **A. The Restriction Violates the First Amendment**

12 13 **1. Freedom of the Press & Right to Petition**

- 14 ○ The **First Amendment** protects both **freedom of the press and the right to**
15 **petition the government.**
- 16 ○ The **government cannot condition the exercise of one constitutional right**
17 **upon the forfeiture of another** (*Citizens United v. FEC*, 558 U.S. 310 (2010)).
18

19 **2. No Historical Justification Exists**

- 20 ○ Under *Bruen*, a law restricting constitutional rights **must be consistent with**
21 **historical traditions.**
- 22 ○ **Defendants fail to identify any law from 1791 (U.S. Constitution ratification)**
23 **or 1864 (Nevada Constitution adoption) restricting individuals from**
24 **engaging in both press and lobbying activities.**
25

26 **3. The Restriction is Overbroad and Discriminatory**

- The law **favors traditional media while restricting independent journalists** like Plaintiff, violating **Reed v. Town of Gilbert, 576 U.S. 155 (2015)**.

B. The Restriction Violates the Nevada Constitution

1. Article 1, Section 9 (Free Speech & Press Rights)

- “No law shall be passed to restrain or abridge the liberty of speech or of the press.”
- Nevada’s Constitution **provides stronger protections** than the First Amendment.

2. Article 1, Section 10 (Right to Petition)

- “The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.”
- The **Legislature cannot restrict lobbying activity arbitrarily**.

II. PLAINTIFF WILL SUFFER IRREPARABLE HARM WITHOUT AN INJUNCTION

- **Loss of First Amendment rights constitutes per se irreparable harm** (*Elrod v. Burns, 427 U.S. 347, 373 (1976)*).
- Plaintiff is **barred from engaging in political advocacy and covering legislative events**.

- Without relief, Plaintiff will lose access during the 2025 legislative session, permanently harming his journalism and advocacy.

III. THE BALANCE OF EQUITIES FAVORS PLAINTIFF

- Defendants suffer no harm if Plaintiff receives dual credentials.
- Plaintiff, however, loses access to fundamental rights if relief is not granted.
- Courts have long recognized that restricting press access to government violates the balance of equities (*Garrison v. Louisiana*, 379 U.S. 64 (1964)).

IV. AN INJUNCTION SERVES THE PUBLIC INTEREST

- More media coverage of legislative activity benefits the public (*Globe Newspaper Co. v. Superior Court*, 457 U.S. 596 (1982)).
- Public interest is always served by preventing the government from violating constitutional rights.

HISTORICAL EVIDENCE SUPPORTING PLAINTIFF'S CLAIMS

A. WALLY WARREN – HISTORICAL PRECEDENT IN NEVADA

- **Wally Warren, a journalist and lobbyist, was simultaneously credentialed in Nevada's Legislature.**
- **A plaque in the legislative building honors his work.**
- **This directly contradicts Defendants' claim that Nevada has never allowed dual roles.**

B. BENJAMIN FRANKLIN – NATIONAL HISTORICAL PRECEDENT

- **Benjamin Franklin was both a journalist and an advocate, lobbying for legislative changes while publishing political content.**
- **Franklin actively worked with legislators while operating "The Pennsylvania Gazette."**
- **Under the *Bruen* standard, early American journalists frequently engaged in lobbying without restriction.**

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court issue a **preliminary injunction**, allowing him to obtain **both media credentials and lobbyist registration** while this case is pending.

Dated: February 14, 2025

Respectfully submitted,

DREW J. RIBAR, PRO SE

3:25-cv-00090

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3 **FOR THE DISTRICT OF NEVADA (NORTHERN DIVISION)**

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6 **Plaintiff,**

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8 **STATE OF NEVADA;**

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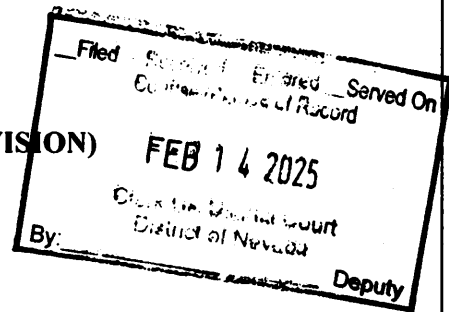
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16 **Case No.:**

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20 **[PROPOSED] ORDER GRANTING PRELIMINARY INJUNCTION**

21
22 **Before the Court is Plaintiff Drew J. Ribar's Motion for Preliminary Injunction. The Court,**
23 **having considered Plaintiff's Motion, the accompanying Memorandum in Support, supporting**
24 **exhibits, and applicable law, hereby GRANTS the Motion for the reasons set forth below.**

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26
27
28 **FINDINGS OF FACT**

PLEADING TITLE - I



- 1 1. Plaintiff, **Drew J. Ribar**, applied for **both press credentials and unpaid lobbyist**
2 **registration** for the 2025 Nevada Legislative Session.
- 3 2. Defendants denied Plaintiff's application, citing **NRS 218H**, which prohibits individuals
4 from **simultaneously acting as media and as a lobbyist**.
- 5 3. Plaintiff alleges that this restriction violates **his rights under the First and Fourteenth**
6 **Amendments to the U.S. Constitution and Article 1, Sections 9 & 10 of the Nevada**
7 **Constitution**.
- 8 4. Plaintiff contends that **historical precedent, including the roles of Wally Warren in**
9 **Nevada and Benjamin Franklin in early America, support the exercise of both**
10 **rights simultaneously**.
- 11 5. The Court finds that Plaintiff has **established a likelihood of success on the merits**, as
12 Defendants have failed to demonstrate any **historical justification** for restricting dual
13 press and lobbying roles.
- 14 6. The Court further finds that Plaintiff will suffer **irreparable harm** absent an injunction,
15 as he will be **denied access to report on and petition the Legislature during an active**
16 **legislative session**.
- 17 7. The **balance of equities favors Plaintiff**, as Defendants will suffer no harm if the
18 **restriction is lifted**, whereas Plaintiff's ability to exercise his constitutional rights is
19 significantly impaired.
- 20 8. The **public interest supports granting the injunction**, as **greater transparency and**
21 **access to government proceedings** serve democratic principles.
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CONCLUSIONS OF LAW

Based on the foregoing findings, the Court concludes:

1. Likelihood of Success on the Merits

- Plaintiff has demonstrated a strong likelihood of success on the merits of his **First Amendment and Nevada constitutional claims** (*New York State Rifle & Pistol Ass'n v. Bruen*, 142 S. Ct. 2111 (2022), *McIntyre v. Ohio Elections Comm'n*, 514 U.S. 334 (1995)).
- The Defendants' restriction on simultaneous press and lobbying roles is **overbroad, lacks historical precedent, and impermissibly burdens fundamental rights** (*Citizens United v. FEC*, 558 U.S. 310 (2010)).

2. Irreparable Harm

- The **denial of constitutional rights constitutes per se irreparable harm** (*Elrod v. Burns*, 427 U.S. 347, 373 (1976)).

3. Balance of Equities

- **The state has no legitimate interest in suppressing Plaintiff's ability to exercise both rights**, particularly when historical precedent contradicts such a restriction (*Reed v. Town of Gilbert*, 576 U.S. 155 (2015)).

4. Public Interest

- **Public interest is always served when unconstitutional restrictions on speech are lifted** (*Globe Newspaper Co. v. Superior Court*, 457 U.S. 596 (1982)).

1 **ORDER**

2
3 Accordingly, IT IS HEREBY ORDERED that:

- 4
- 5 1. **Defendants are ENJOINED from enforcing NRS 218H in a manner that prevents**
 - 6 **Plaintiff from simultaneously registering as a lobbyist and obtaining media**
 - 7 **credentials.**
 - 8 2. **Defendants shall immediately issue Plaintiff both press credentials and lobbyist**
 - 9 **registration, allowing him full access to the Nevada Legislative Session while this**
 - 10 **litigation proceeds.**
 - 11 3. **This injunction shall remain in effect pending final resolution of this case or further**
 - 12 **order of the Court.**
 - 13
 - 14

15 SO ORDERED this ____ day of _____, 2025.

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17 **BY THE COURT:**

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20 **United States District Judge**

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PLEADING TITLE - 4